

REMARKS

The present amendment is submitted in response to the Non-Final Office Action mailed April 12, 2007. Claims 1-10, 13 and 14 are currently pending in the application. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Information Disclosure

In the Office Action, the Examiner indicated that the listing of references in the specification is not a proper information disclosure statement. The Examiner's reminder that 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office has been noted.

Allowed Claims

Applicant wishes to thank the Examiner for indicating that Claims 2, 7, 8 and 11-12, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant also wishes to thank the Examiner for indicating that Claim 13 is allowed.

Specification Objection

In the Office Action, the Specification was objected to for failing to include section headings. Applicants respectfully decline to add headings as they are not required in accordance with MPEP §608.01(a).

In the Office Action, the specification was also objected to for an informality identified on page 5. The informality has been corrected. Applicants respectfully request withdrawal of the specification objection.

Claim Amendments

In order to provide protection commensurate in scope with the disclosed invention, Claims 1 and 13 have been amended. Claim 1 has been amended, changing "... consisting of: elastic material, comprising..." to "... comprised of elastic material..., the fixation member comprising..." Claim 13 has been amended, changing "...the fixation member consisting of elastic material and comprising a first portion" to "...the fixation member comprising elastic material and comprising a first portion...."

35 U.S.C. §102(b)

Claims 1, 3, 4, 5, 6, 9 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,386,496 – Lai et al – hereinafter Lai.

Applicants respectfully traverse the rejection of claims 1, 3, 4, 5, 6, 9 and 10 under 35 U.S.C. §102(b), however, Claim 1 has been amended.

Applicant appreciates the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Friday, May 18, 2007. During the telephonic interview, Applicant's attorney proposed an amendment to Claim 1 that Applicant's Attorney believes will make it allowable over the cited reference, Lai.

The Examiner, upon reviewing the proposed amendment, concluded that he was of the opinion that the proposed amendment makes Claim 1 distinguishable over at least the cited reference, Lai.

Claim 1, as presented to the Examiner recites:

1. (Proposed) A fixation member, comprised of elastic material, for mounting an object to a frame, the fixation member comprising:

a first portion and a second portion interconnected by first spring means, said first portion having first catch means and second catch means for respectively engaging said fixation member with said frame and disengaging said fixation member from said frame,

said first catch means causing engagement of said fixation member to said frame upon said first portion being pushed towards said second portion, thereby tensioning said first spring means to push said second portion against said frame to subsequently engage said first catch means with said frame, and

said second catch means causing disengagement of said fixation member from said frame upon said first portion being pushed further towards said second portion against an increasing tensioning force of said first spring means, whereby said second catch means engages with corresponding catch means of said second portion and said first catch means

retracts to subsequently disengage said fixation member from said frame.

As shown above, Claim 1 as amended now recites a fixation member configured for fixing an object to a frame, whereby pressing a first portion towards a second portion engages a catch member to the frame, and whereby further pressing the first portion towards the second portion releases the member from the frame. It is respectfully submitted that Lai does not teach the recitations of Claim 1, as amended.

Accordingly, it is believed that Applicant's Claim 1 recites patentable subject matter, and therefore, withdrawal of the rejections with respect to Claim 1 and allowance thereof is respectfully requested.

Claims 3, 4, 5, 6, 9 and 10 depend from Claim 1, and therefore include the limitations of Claim 1. Hence, for the same reasons given above for Claim 1, Claims 3, 4, 5, 6, 9 and 10 are believed to contain patentable subject matter. Accordingly, withdrawal of the rejection with respect to Claims 3, 4, 5, 6, 9 and 10 and allowance thereof are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 11 and 13-14 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Frank Keegan, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-333-9669.

Respectfully submitted,

Michael A. Scaturro
Reg. No. 51,356
Attorney for Applicant

/Frank J. Keegan/
Frank J. Keegan
Reg. No. 50,145
Attorney for Applicant

Mailing Address:
Intellectual Property Counsel
Philips Electronics North America Corp.
P.O. Box 3001
345 Scarborough Road
Briarcliff Manor, New York 10510-8001